

EXHIBIT R
TO THE DECLARATION OF
JOHN W. SMITH T

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

THE LAW OFFICES OF DAVID
J. STERN, P.A.

Plaintiff/Counter-Defendant,

Case No.: 0:11-CV-61526

vs.

GMAC MORTGAGE, LLC,

Defendant/Counter-Plaintiff.

PLAINTIFF'S AND DEFENDANT'S JOINT STIPULATION

Plaintiff, The Law Offices of David J. Stern, P.A. ("DJSPA"), and Defendant, GMAC Mortgage, LLC ("GMACM"), hereby stipulate as follows:

1. This lawsuit addresses disputes between DJSPA and GMACM regarding the alleged legal services and related work performed by DJSPA in connection with loans owned and/or serviced by GMACM. Certain of the loans that were initially a part of the lawsuit were serviced by GMACM but owned by Federal Home Loan Mortgage Corporation ("the Freddie Mac loans") or Federal National Mortgage Corporation ("the Fannie Mae loans"). Pursuant to a Joint Motion for Severance and Transfer (ECF No. 24) of the parties, by and with the consent of Freddie Mac, the Court severed and transferred the claims and/or counterclaims with respect to the loans owned by Freddie Mac to the pending action between DJSPA and Freddie Mac (ECF No. 25).¹ The parties are in the process of finalizing the list of Freddie Mac and Fannie Mae

¹ The Freddie Mac Action is pending as *The Law Offices of David J. Stern, P.A. v. Federal Home Loan Mortgage Corporation*, Case No. 0:11-cv-60623-Civ-PAS. The dispute between DJSPA and Fannie Mae, styled *Federal National Mortgage Assoc. a/k/a Fannie Mae v. The Law Offices of David J. Stern, P.A.*, No. 32-194Y-0016411, is currently pending before the American Arbitration Association ("the Arbitration").

loans to be severed and transferred. However, the parties desire to stipulate that certain work that was allegedly provided by DJSPA with respect to some of the Freddie Mac and Fannie Mae loans, should and will remain to be litigated in this lawsuit, as further described below.

2. Specifically, in connection with some loans, including certain Freddie Mac and Fannie Mae loans, GMACM requested that DJSPA provide legal services that were distinct from the legal services performed by DJSPA in the ordinary course of foreclosure proceedings (“the remediation work”), and the remediation work was separately invoiced by DJSPA to GMACM. Accordingly, DJSPA and GMACM are able to segregate the remediation work from the alleged ordinary foreclosure legal services provided with respect to Freddie Mac and Fannie Mae loans. The remediation work is identified by the summary of invoices provided by DJSPA attached hereto as Exhibit A.²

3. Accordingly, DJSPA and GMACM hereby agree and stipulate that the alleged remediation work identified in Exhibit A (including DJSPA’s claims for damages owed on such work, as well as GMACM’s defenses and counterclaims relating to such work) will remain a part of this action.

4. As agreed to previously, alleged legal services and related work performed in the ordinary course of foreclosure proceedings will be transferred to and litigated in the Freddie Mac Action and Fannie Mae Arbitration respectively.

² By entering into this Stipulation, GMACM is not stipulating to the accuracy of the information in Exhibit A, nor does GMACM waive any defense as to the nature or amounts of charges contained in Exhibit A. Exhibit A, which was prepared by Plaintiff, is intended only to facilitate the identification of the remediation work that is being claimed by Plaintiff and that will remain a subject of the present litigation.

5. Freddie Mac and Fannie Mae have been advised of the parties' stipulation and have stated no objection to the claims arising from the remediation work described above remaining in this litigation for determination.

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